



20 AUG 2003
00505460

INVESTOR IN PEOPLE

PRIORITY DOCUMENT

SUBMITTED OR TRANSMITTED IN
COMPLIANCE WITH RULE 17.1(a) OR (b)

The Patent Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

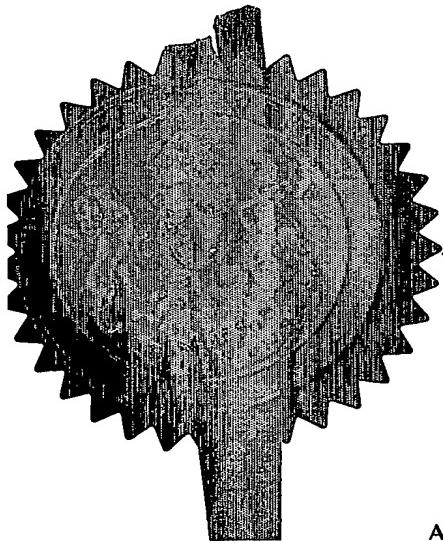
REC'D	20 MAR 2003
WIPO	PCT

I, the undersigned, being an officer duly authorised in accordance with Section 74(1) and (4) of the Deregulation & Contracting Out Act 1994, to sign and issue certificates on behalf of the Comptroller-General, hereby certify that annexed hereto is a true copy of the documents as originally filed in connection with the patent application identified therein.

In accordance with the Patents (Companies Re-registration) Rules 1982, if a company named in this certificate and any accompanying documents has re-registered under the Companies Act 1980 with the same name as that with which it was registered immediately before re-registration save for the substitution as, or inclusion as, the last part of the name of the words "public limited company" or their equivalents in Welsh, references to the name of the company in this certificate and any accompanying documents shall be treated as references to the name with which it is so re-registered.

In accordance with the rules, the words "public limited company" may be replaced by p.l.c., plc, P.L.C. or PLC.

Re-registration under the Companies Act does not constitute a new legal entity but merely subjects the company to certain additional company law rules.



Signed

Dated 7 March 2003

BEST AVAILABLE COPY

21 FEB 2002

The Patent Office

Request for grant of a patent

(See the notes on the back of this form. You can also get an explanatory leaflet from the Patent Office to help you fill in this form)

1/77

The Patent Office
Cardiff Road
Newport
Gwent NP9 1RH

1. Your reference 96.76292

22FEB02 E697998-1 D00027

2. Patent application number 21 FEB 2002 0204117.6
(The Patent Office will fill in this part) P01/7700 0.00-0204117.63. Full name, address and postcode of the or of each applicant (underline all surnames)
E.M.E. (Electro Medical Equipment) Limited
60 Gladstone Place
Brighton
East Sussex
BN2 3QD

Patents ADP number (if you know it) 08330417001

If the applicant is a corporate body, give United Kingdom
country/state of incorporation

4. Title of the invention Breathing Device

5. Name of your agent (if you have one) Frank B. Dehn & Co.

"Address for service" in the United Kingdom
to which all correspondence should be sent
(including the postcode)
179 Queen Victoria Street
London
EC4V 4EL

Patents ADP number (if you know it) 166001

6. If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or of each of these earlier applications and (if you know it) the or each application number
Country Priority application number Date of filing
(if you know it) (day / month / year)7. If this application is divided or otherwise derived from an earlier UK application, give the number and the filing date of the earlier application
Number of earlier application Date of filing
(day / month / year)8. Is a statement of inventorship and of right to grant of a patent required in support of this request? (Answer 'Yes' if:
a) any applicant named in part 3 is not an inventor, or
b) there is an inventor who is not named as an applicant, or
c) any named applicant is a corporate body.
See note (d))
Yes

Patents Form 1/77

- Enter the number of sheets for any of the following items you are filing with this form. Do not count copies of the same document

Continuation sheets of this form 0

Description 11

Claim(s) 0

Abstract 0

Drawing(s) 5

10. If you are also filing any of the following, state how many against each item.

Priority documents 0

Translations of priority documents 0

Statement of inventorship and right to grant of a patent (*Patents Form 7/77*) 0

Request for preliminary examination and search (*Patents Form 9/77*) 0

Request for substantive examination (*Patents Form 10/77*) 0

Any other documents
(please specify) No

11. I/We request the grant of a patent on the basis of this application.


Signature

Date 21 February 2002

12. Name and daytime telephone number of person to contact in the United Kingdom

Adrian Samuels
01273 244200

Warning

After an application for a patent has been filed, the Comptroller of the Patent Office will consider whether publication or communication of the invention should be prohibited or restricted under Section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you live in the United Kingdom, Section 23 of the Patents Act 1977 stops you from applying for a patent abroad without first getting written permission from the Patent Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked.

Notes

- a) If you need help to fill in this form or you have any questions, please contact the Patent Office on 0645 500505.
- b) Write your answers in capital letters using black ink or you may type them.
- c) If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s) of the form. Any continuation sheet should be attached to this form.
- d) If you have answered 'Yes', Patents Form 7/77 will need to be filed.
- e) Once you have filled in the form you must remember to sign and date it.
- f) For details of the fee and ways to pay please contact the Patent Office.

DUPLICATE

- 1 -

76292.69

Breathing Device

5 This invention relates to breathing devices for assisting patients, particularly human patients, to breathe by maintaining a positive airway pressure during the breathing cycle.

10 It is well recognised that the application of continuous positive airways pressure (CPAP) is a successful clinical technique for assisting patients with breathing difficulties. Recently a particularly successful non-invasive CPAP device has been described in EP-A-0447 443 and marketed by the Applicant as the
15 INFANT FLOW (registered trade mark) generator. This device has been shown to deliver reliable CPAP whilst at the same time resulting in a lower work of breathing when treating respiratory distress syndrome. This lower work of breathing is important as it leads to faster
20 patient recovery times which is of course beneficial to the patient, but which also helps to keep down running costs of intensive care departments.

25 It has been recognised that the phenomenon of jet bypass, whereby a proportion of fresh gas supplied to the patient passes directly out of the exhaust tube is crucial in giving the low added work of breathing.

30 The Applicant has realised that, at least for some applications, such devices may be further improved. When viewed from a first aspect therefore the invention provides a breathing device comprising, in fluid communication, a breathing channel and an exhaust channel extending from a junction therebetween; and a gas inlet channel arranged so as in use to introduce gas into said breathing channel such that in use a positive pressure may be maintained in the breathing channel, wherein the axis of said gas inlet channel is laterally offset from the axis of the breathing channel at the
35

point at which the gas inlet channel introduces the gas into the breathing channel.

Thus it will be seen that in accordance with the present invention, a CPAP-type breathing assistance device is provided in which the gas inlet channel is offset from the axis of the breathing channel. It has been found that providing such an offset can reduce the fluctuations in pressure in the breathing channel over the breathing cycle. This is recognised to be beneficial in reducing the work of breathing and thus in aiding patient recovery.

Furthermore, it has been recognised that the amount of lateral offset can be set to give a determinable degree of jet bypass. In particular, the Applicant has recognised that whilst in many cases a constant positive airway pressure is the most appropriate breathing assistance to provide, in some cases it may be desirable to provide an increased pressure during the inhalation phase. This might be appropriate, for example, in particularly serious cases where the patient is unable properly to expand his/her lungs. The increased pressure can assist in the recruitment of alveoli. The increased inhalation pressure may be achieved by setting the degree of bypass appropriately.

Whilst, as set out above, the required bypass effect may be achieved by offsetting the gas inlet from the axis of the breathing tube, it been further recognised that in fact the same effect is achievable by simulating such an offset. Thus, the gas inlet need not be offset from the main axis of the breathing tube if the breathing tube undergoes a change in cross-sectional area and the gas inlet is offset from the central axis of the narrower portion. The narrower portion could be a relatively small proportion of the length of the breathing channel - for example a partial baffle.

When viewed from a more general aspect therefore the present invention provides a breathing device

comprising, in fluid communication, a breathing channel
and an exhaust channel extending from a junction
therebetween; and a gas inlet channel arranged so as in
use to introduce gas into said breathing channel such
5 that in use a positive pressure may be maintained in the
breathing channel, wherein the axis of said gas inlet
channel is laterally offset at the point at which the
gas inlet channel introduces the gas into the breathing
channel from the axis of the narrowest part of the
10 breathing channel.

Thus it will be appreciated that a preferred
embodiment of the aspect of the invention set out above
has the breathing channel being of substantially
constant bore, such that the gas inlet channel is
15 laterally offset from the main axis of the breathing
channel.

The gas inlet channel may comprise a discrete tube
extending at least partially into the breathing channel.
It is preferred however that the gas inlet channel opens
20 into the breathing channel - i.e. that the mouth of the
gas inlet is at a wall of the device. Most preferably
the gas inlet channel is arranged to open into the
junction between the breathing channel and the exhaust
channel, on the outer side of said junction

25 Preferably the gas inlet channel is laterally
offset from the axis of the breathing channel, or the
central axis of its narrowest point, in the direction
towards the exhaust channel. This means that the jet of
fresh gas emerging from the gas inlet channel will be
30 directed at least partially towards the elbow at the
inner edge of the junction between the exhaust and
breathing channel or to the lower edge of a reduced bore
portion. The elbow or other flow restrictor effectively
35 serves to split the jet of gas between the breathing and
exhaust channels, thereby giving the required bypass.

The gas inlet channel could be parallel to the
breathing channel. Preferably however it is inclined at

a small angle e.g. approximately 5°, to the breathing channel axis in the direction away from the exhaust channel. This has been found to give marginally better performance.

5 In fact it has been appreciated that the inclination of the gas inlet channel can also have an effect on the degree of bypass, albeit lesser, in general, than the effect of lateral bypass and that a suitably chosen inclination can give a useful degree of bypass, even if the gas inlet channel is not laterally offset. Thus, when viewed from a further aspect the invention provides a breathing device comprising, in fluid communication, a breathing channel and an exhaust channel extending from a junction therebetween; and a 10 gas inlet channel arranged so as in use to introduce gas into said breathing channel such that in use a positive pressure may be maintained in the breathing channel; wherein the axis of said gas inlet channel is inclined 15 relative to the axis of said breathing channel.

20 As in accordance with the earlier aspects of the invention, the gas inlet channel axis is preferably laterally offset at the point at which it joins the exhaust channel or laterally offset from an axis through the centre of a narrowed section of the breathing channel.

25 Clearly the degree of lateral offset will affect the relative proportions of the split flows and thus the degree of bypass. Possible embodiments are envisaged in which the offset is in the direction away from the 30 exhaust channel. However such embodiments require a relatively large inclination of the gas inlet channel which is undesirable for other reasons.

35 As has been explained above, both the offset and the inclination of the gas inlet channel relative to the breathing channel, or narrowest part thereof, influence the degree of bypass achieved during use. This, in turn, has varying beneficial effects on the pressure

profile in the breathing channel. In general a particular pressure profile will be suitable for a large number of patients. However the Applicant has recognised that in some circumstances it may be
5 desirable to be able to change the pressure profile by changing the degree of bypass. In some preferred embodiments therefore the breathing device comprises two or more gas inlet channels at different offsets and/or inclinations. A physician may then decide which gas
10 inlet to use for the desired mode of operation.

Additionally or alternatively, in some embodiments a movable gas inlet channel is provided. It is envisaged that the inlet channel may be moved so either the inclination of the offset may be varied, or indeed
15 it may be possible to vary both. In one example the gas inlet channel could be pivotably mounted to the rest of the device with a flexible gaiter or the like being provided to ensure a gas-tight seal. In another example the gas inlet could be slidably mounted to the rest of
20 the device. Again a suitable seal or gasket may be provided.

In accordance with all aspects of the invention, it is preferred that the gas inlet channel is narrower than either the exhaust or breathing channels, preferably at least twice narrower. In one particular embodiment the ratio is 1.4 mm to 5mm.
25

Preferably the breathing and exhaust channels are substantially linear and most preferably meet substantially at a right angle or greater.

30 The breathing device of the invention may be adapted to be attached directly to the face of a patient. For example it may comprise a pair of nasal prongs for insertion into the patient's nose. Indeed where the breathing device is adapted for use by
35 infants, the infant's nostrils will effectively form part of the breathing tube. Alternatively, the device may comprise or be adapted to be connected to a mask for

fitting over a patient's face - e.g over the nose and mouth, the mask being in communication with the breathing channel..

In some preferred embodiments an elongate tube is provided in fluid communication with the exhaust channel. This is not essential to the operation of the device but it has been found to reduce the noise generated.

Certain preferred embodiments of the present invention will now be described, by way of example only, with reference to the accompanying drawings in which:

Fig. 1 is a schematic cross-sectional view of a breathing device in accordance with the invention;

Figs. 2a to 2c are respective schematic flow diagrams showing air flow in the device during the breathing cycle;

Fig. 3 is a schematic diagram of a test set-up used to test an embodiment of the invention;

Fig. 4 is a graph of pressure v time for an embodiment of the invention and for a prior art device tested under the same conditions for the purposes of comparison only;

Fig. 5 is a graph of pressure v time for three different gas inlet pressures; and

Figs. 6 to 8 are respective schematic perspective views of further embodiments of the invention.

The breathing device of Fig. 1 generally comprises a breathing channel 2 and an exhaust channel 4 in fluid communication with one another. The breathing channel 2 is provided at its distal end with a face mask, nasal prongs or other suitable device (not shown) as the patient interface.

The exhaust channel 4 is continued by a tube (not shown) which is open to the atmosphere. It joins the breathing channel 2 at an oblique angle to form a corner 6 on the inside of the junction.

A gas inlet channel 8 joins the device so as to

introduce gas into the breathing channel 2 in the region of its junction with the exhaust channel 4. It will be seen that at the point 8a at which the gas inlet channel 8 introduces the gas, there is an offset 10 between the axis 12 of the gas inlet channel 8 and the axis 14 of the breathing channel 2.

The respective axes 12, 14 of the gas inlet channel 8 and the breathing channel 2 are not quite parallel since the former axis 12 is inclined at an angle A. Furthermore, it may be seen that the diameter of the gas inlet channel 8 is substantially smaller than the diameter of the breathing or exhaust channels 2, 4.

Figs. 2a to 2c show, schematically, operation of the device shown in Fig. 1. Firstly Fig 2a shows the pattern of fresh gas flow during patient exhalation. As a result of the offset 10 between the axes 12, 14 of the gas inlet and breathing channels (see Fig 1) the jet 16 of fresh gas from the gas inlet channel 8 impinges upon the corner 6 at the junction of the breathing and exhaust channels 2, 4. This causes part of the jet 18 to "bypass" the breathing channel 2 to flow straight down the exhaust channel 4. The degree of bypass is enhanced by the remainder of the jet 20 which loops back on itself in the breathing channel 2 and also passes down the exhaust channel 4. This flow 20 combines with the gas being exhaled by the patient to deflect the jet 16 downwardly and so causes more high momentum gas to impinge upon the corner 6.

The effect of the bypass is to reduce pressure in the breathing channel 2 and so the work required by the patient to exhale, as compared to what it would have been otherwise without bypass.

Fig. 2b shows the pattern of fresh gas flow at zero breath (the transition between patient exhalation and inhalation). It will be seen that the bypass portion of the jet 18 is significantly reduced since the jet 16 is no longer being deflected by the exhaled air. However

the offset 10 and the looped-back fresh gas flow 20 mean that there is still some bypass. It may further be observed that the loop 20 of fresh gas is larger than during the exhalation phase shown in Fig. 2a since the 5 fresh gas is no longer working against the pressure of the air being exhaled and because less of it is being bypassed.

Finally, Fig. 2c shows the pattern of fresh gas flow during patient inhalation. In this phase the 10 degree of bypass is similarly low, but still not completely absent, as the low pressure created inside the patient's lungs draws in the majority 22 of the 15 fresh gas flow. As shown there is still a portion 20 of the fresh gas which loops back on itself and passes down the exhaust channel 4. Depending upon the needs of the patient, the looped flow may in fact be reversed to supplement the fresh gas with ambient air.

Fig. 3 shows schematically an experimental set-up used to test a breathing generator 22 in accordance with 20 the invention. The breathing generator 22 had a breathing channel 2 and an exhaust channel 4 at right angles to one another. Both channels had an internal diameter of 5mm. A gas inlet channel 8 with a 1.4mm 25 internal diameter was provided at the end of the breathing channel such that its central axis is offset by 1.5 mm relative to the axis of the breathing channel.

The breathing channel 2 was connected by means of a tube 24 to a lung simulator 26 comprising a piston driven by an actuator (not shown). The actuator is 30 controlled by a computer in order to simulate a representative patient breathing profile. At the inlet to the lung simulator 26 a pressure feed 28 was taken to a pressure transducer connected to a personal computer (not shown) to allow the pressure to be measured and 35 recorded. This pressure feed was taken 7cm downstream of the end of the gas inlet channel 8.

The artificial lung was set to a tidal volume of 30

millilitres and an inhale to exhale ratio of 3:7, which are reasonably typical figures for an infant. The gas inlet channel 8 was then connected to a source of fresh gas at 37°C (so called "medical air") For the first 5 experiment, the rate of fresh gas flow was set to eight litres per minute. The pressure recorded by the pressure transducer is shown by line A on the graph in Fig. 4.

The experiment was then repeated with a known 10 breathing device - the Applicant's INFANT FLOW (registered trade mark) generator under the same conditions (except that pressure was measured at the generator pressure connection, which accounts for only approximately 0.25 cm H₂O pressure difference) with a 15 fresh gas flow rate of eight litres per minute. The results may be seen from the line B in Fig. 4. It is clear from this not only that a higher airway pressure is achievable for a given flow rate, but also that the pressure fluctuation over the breathing cycle has been 20 even further reduced in accordance with the present invention.

The experiment was repeated with fresh gas flows of six and fourteen litres per minute and results are shown by lines C and D respectively in Fig. 5. Fig. 5 also 25 shows the results obtained with a flow rate of eight litres per minute (line A). As may be seen, at six and eight litres per minute (lines C and A respectively) there is negligible pressure fluctuation. At fourteen litres per minute (line D), there is in fact negative 30 fluctuation - in other words there is an increase in pressure on inhale and a decrease on exhale. This gives a degree of breathing assistance and is potentially extremely beneficial for those patients having difficulty breathing.

35 Thus it will be seen that at least an embodiment of the invention provides a breathing device with very low fluctuations in pressure which is therefore able to

assist in breathing with minimal added work of breathing as compared to already beneficial prior art devices.

A further potential embodiment of the invention is shown schematically in Fig. 6. In this embodiment, two separate gas inlet channels 8a and 8b are provided. The first inlet 8a is provided offset below the axis of the breathing channel 2 to provide a predetermined degree of offset. The second inlet 8b has the same amount of offset but is also inclined with respect to the axis of the breathing channel 2. This will give a higher degree of bypass which may be required in certain situations - e.g. if a higher fresh gas flow is required. In use a physician or medical attendant may select which inlet channel 8a, 8b to use as needed. This could simply be by placing a gas supply tube over the desired inlet channel or it could be by means of a two-way valve.

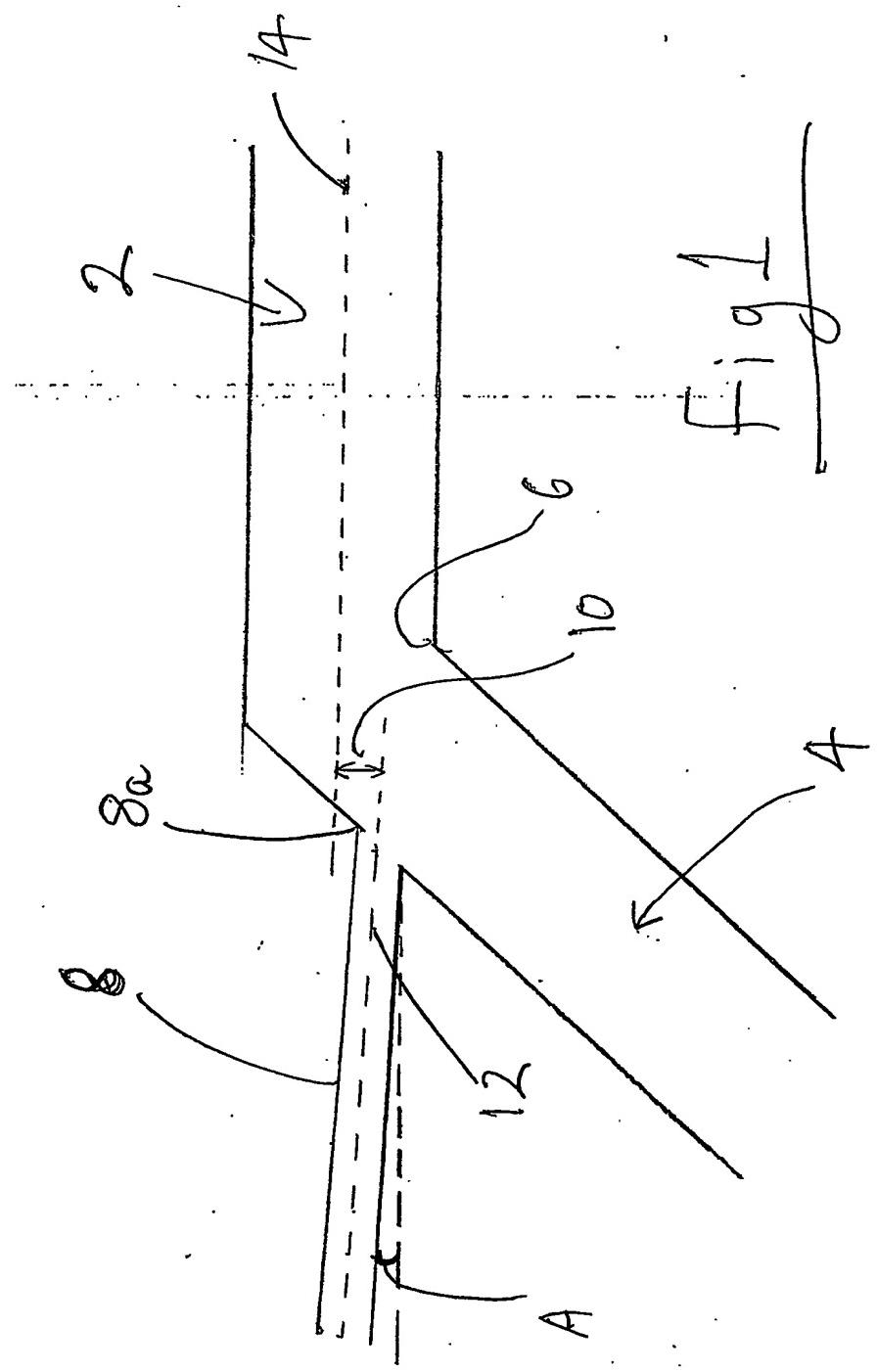
Another potential embodiment is shown in Fig. 7. In this embodiment the gas inlet channel 8 is shown extending through a rubber gaiter 30. Inside the breathing device (not shown) the gas inlet channel 8 is pivotally attached to the main body. This allows it to be inclined up and down to provide the desired degree of bypass. A screw or the like could be provided to hold the inlet 8 in the desired inclination.

Finally Fig. 8 shows another possible embodiment. In this embodiment the gas inlet channel 8 is connected to a block 32 received in a recess 34 in the corner of the device. The gas inlet channel is in gaseous communication with an internal passage in the block which opens into the interior of the device to provide fresh gas into the breathing channel. The block 32 is a reasonably gas-tight fit into the side walls of the recess 34. Stops may be provided to limit the movement of the block 34. It will be seen that the block 34 is provided on its upper face with a protrusion 36 to facilitate movement thereof.

It will be appreciated by those skilled in the art

that many variations and modifications of the described embodiments are possible within the scope of the present invention. For example, the breathing device may be configured deliberately to increase the airway pressure during the inhalation phase by increasing the offset between the axes of the gas inlet channel and the breathing channel in order to give a corresponding smaller degree of bypass. Such a device could be useful for treating acute respiratory distress syndrome in which the increased pressure on inhalation can help in the recruitment of alveoli.

Furthermore, the breathing channel need not be of constant bore as depicted. It may comprise a local reduction in the cross-sectional area - e.g. by virtue of a baffle, step or other protrusion. In this case the gas inlet channel may not be offset from the main axis of the breathing channel but will be offset from the effective central fluid axis thereof which is determined by the reduction in cross-section or bore.



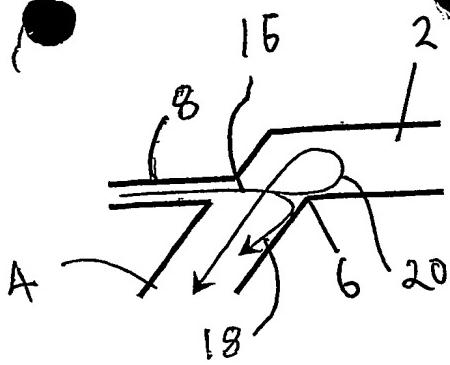


Fig 2a

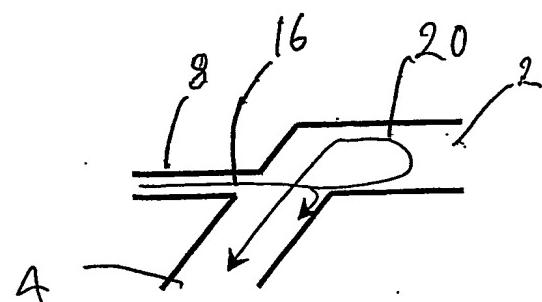


Fig 2b

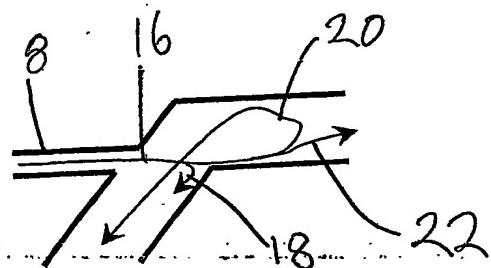


Fig 2c

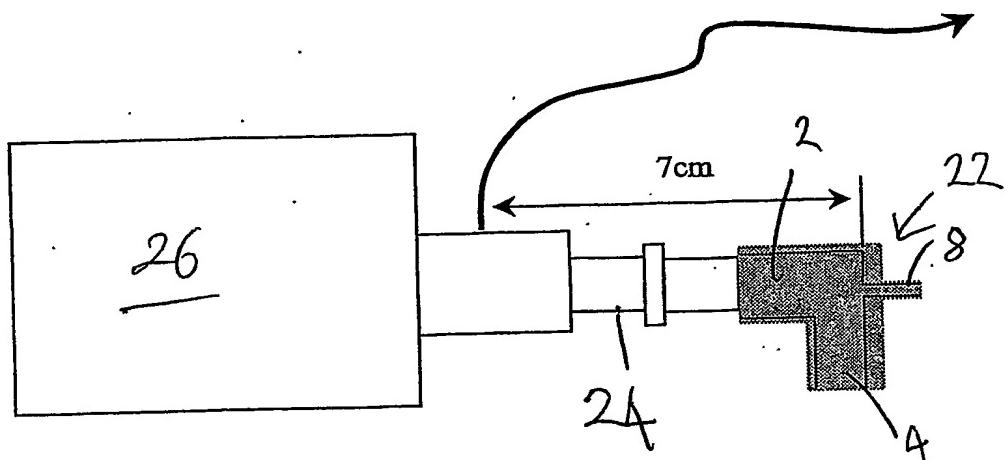
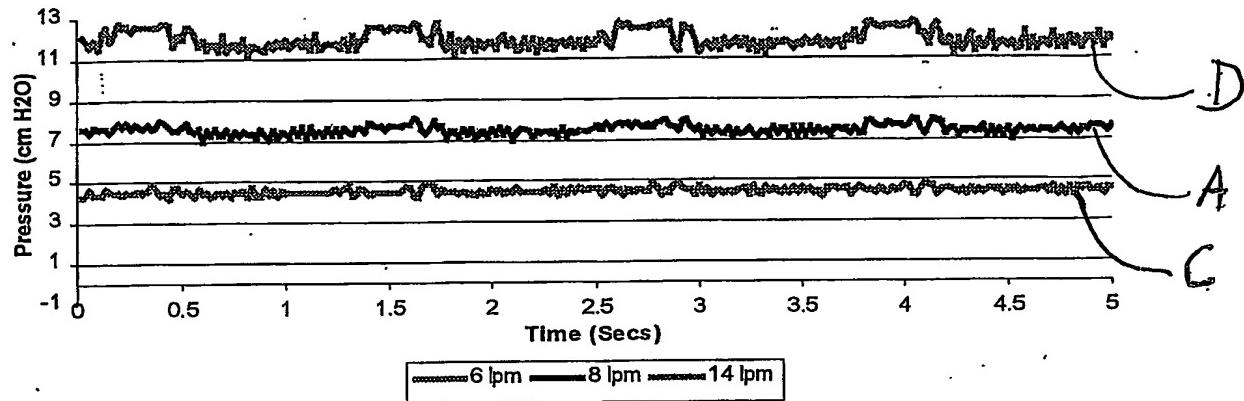
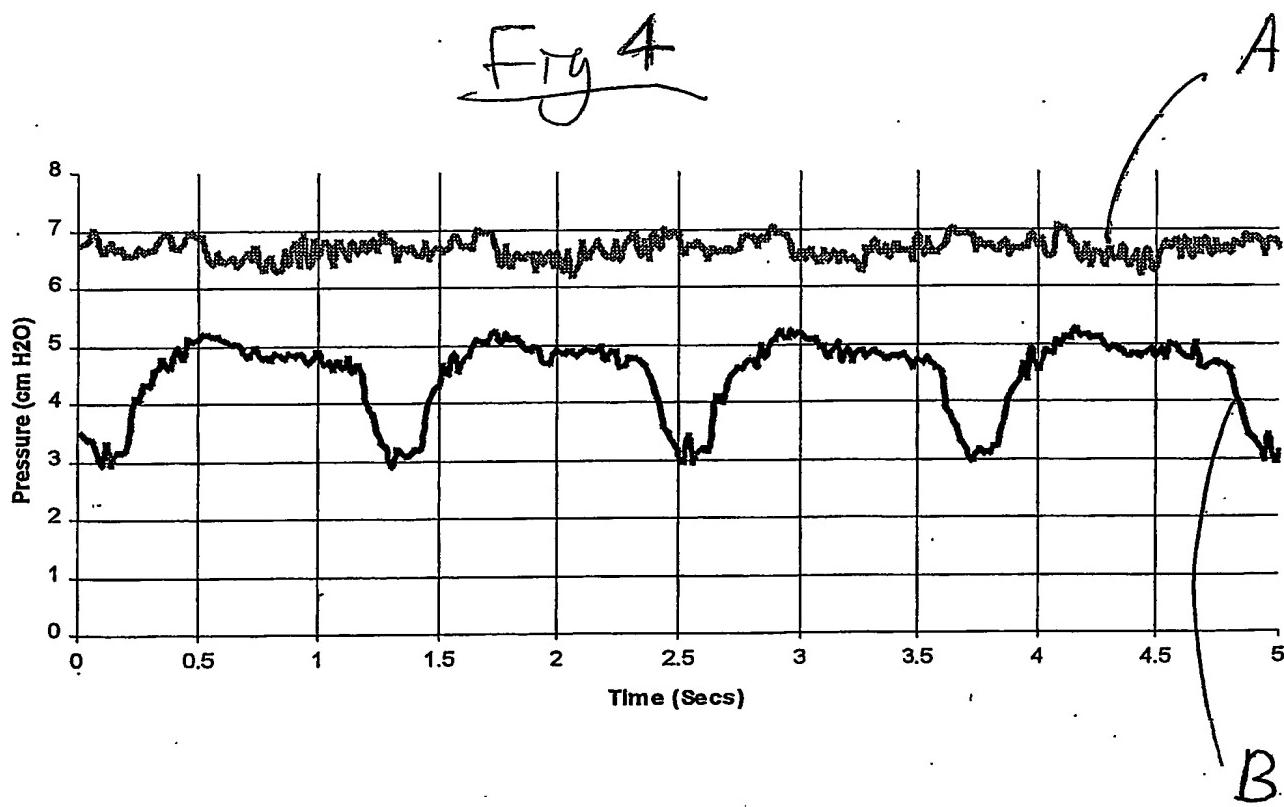


Fig 3

F55



Fg 4



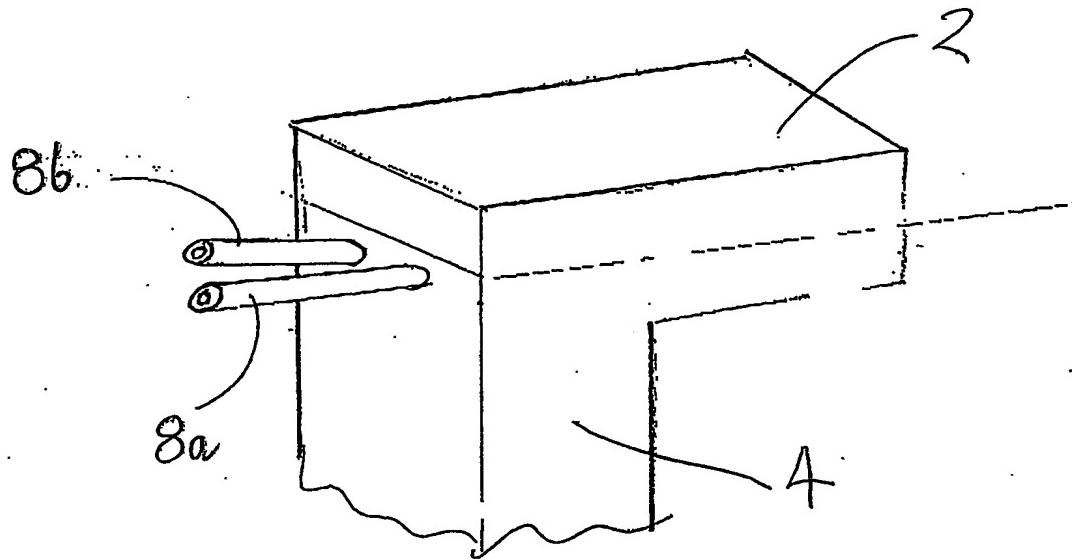


Fig 6

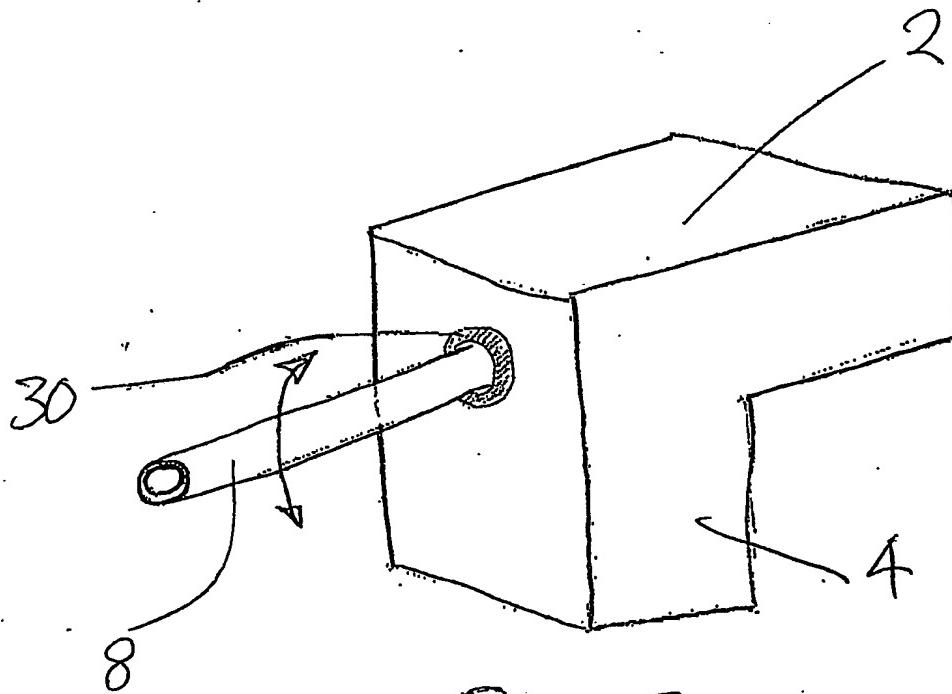


Fig 7

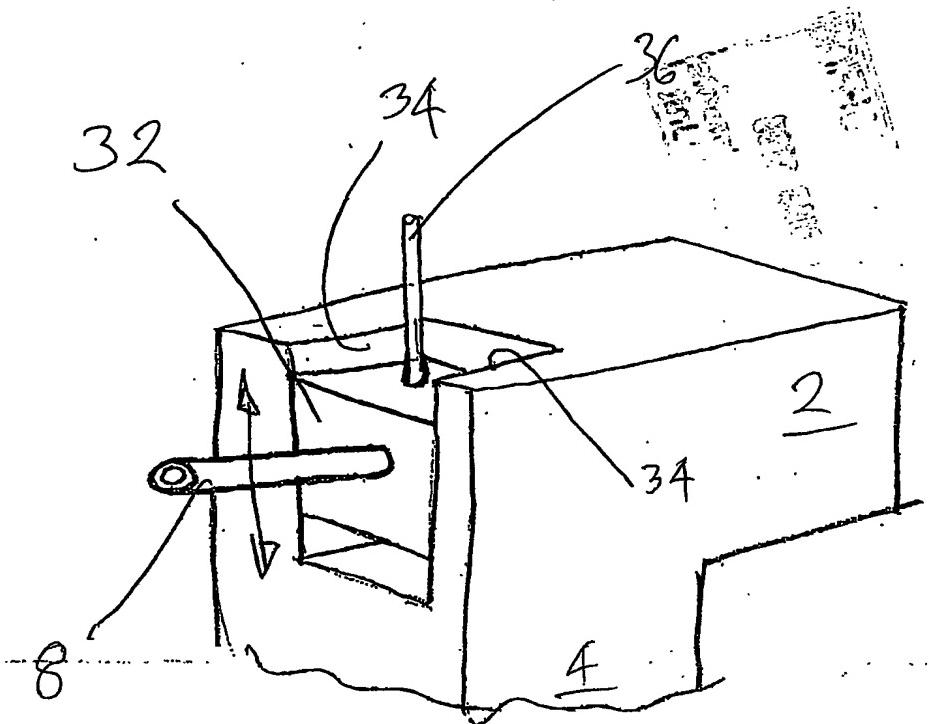


Fig 8

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.